

Ex. A

Distributor Says Attys Faked A Lien Claim Doc, Seeks DQ

By [Ryan Boyesen](#) · [Listen to article](#)

Law360 (June 28, 2022, 3:18 PM EDT) -- Two New York attorneys falsified lien documents to rescue a client's shipping dispute lawsuit, according to their opponents in the litigation, who want the case to be dismissed now that the "fraud on the court" has come to light.

In a motion Friday in New York federal court, Ameriway Corp. and its attorneys at Stratum Law LLC say they've caught defendant May Yan Chen's attorneys red-handed in a scheme to fabricate "crucial evidence for their clients."

Specifically, Ameriway claims its opponents drafted and then introduced into evidence a backdated terms and conditions of service agreement intended to address a gaping hole in Chen's case: The lack of valid lien documentation on the five shipping containers at the heart of the dispute.

"Their documented misrepresentations and omissions have put plaintiff in the difficult position of impeaching their credibility during discovery conferences, depositions and at trial," Ameriway said. "Plaintiff is forced to openly accuse both Chen and her counsel of fraud on the court."

Ameriway asked that the case be dismissed and Chen be forced to pay its attorneys fees as a sanction, or that Chen's two attorneys be disqualified from the case, due to both the nature of their alleged actions and the fact that they'll now be fact witnesses if the case continues.

Chen's attorneys, for their part, have claimed it's a mix-up due to clerical errors and simple misunderstandings, but Ameriway hotly disputes that contention.

Ameriway is a logistics company primarily involved in shipping goods from China to the U.S., according to court documents, and Chen is a customs broker first retained by Ameriway in 2017. Ameriway claims that in 2019 Chen directed a trucking company to drop five shipping containers at a New Jersey warehouse without Ameriway's permission, "because she believed [Ameriway] owed her a past due balance" on earlier shipments.

Ameriway sued Chen for conversion — essentially the civil version of theft — a few months later in the fall of 2019.

Ameriway said Chen's primary defense in the case was that she had a valid lien on the shipping containers, but for two years she was never able to provide documentation to prove it. Then, in 2021, Chen's counsel filed a terms and conditions of service agreement with the court and implied "the document physically existed in 2017." That TCS agreement contained provisions that bolstered Chen's lien defense, Ameriway said.

In the course of investigating the newly introduced TCS document, Ameriway said it discovered another document online that was nearly identical on the website of H.W. St. John and Co., an unrelated customs broker.

The St. John's TCS document had "the exact same font, footers, margins, grammatical and typographical errors" as Chen's 2017 TCS document, Ameriway said, but it hadn't been published to St. John's website until 2019. After further sleuthing, Ameriway discovered that the metadata on the St. John's TCS document shows one of Chen's attorneys, William Shayne of Shayne Law Group PC, is its author.

"Plaintiff thus concluded that Shayne also manufactured the TCS [in this case], which he simply attached to [other] 2017 [documents] to backdate a lien for Chen's affirmative defense," Ameriway said.

Ameriway claims that for months Chen's attorneys offered a series of vague explanations, at one point claiming their staff simply sent them the wrong TCS document and didn't realize their mistake until months later, when Ameriway confronted them about its authenticity.

Chen's other attorney in the case, Richard E. Schrier of Schrier Fiscella & Sussman LLC, has since told the court that the TCS documents were "fabricated" by Shayne but then said "It has nothing whatsoever to do with the issues in this case," according to Friday's motion.

Even if the actions of Chen's attorneys don't rise to the level of fraud on the court, Ameriway said they should be disqualified because now they'll need to answer questions about the documents, as fact witnesses.

"Shayne and Schrier, both of whom had direct, personal involvement in the manufacture and presentation of the TCS, will have to testify and defend their actions," Ameriway said.

None of the parties involved responded Tuesday to requests for comment.

Ameriway is represented by Peter Scott Wolfgram and Xiyan Zhang of Stratum Law LLC.

Chen is represented by Richard E. Schrier of Schrier Fiscella & Sussman LLC and William C. Shayne of Shayne Law Group PC.

The case is Ameriway Corp. v. May Yan Chen et al., case number [1:19-cv-09407](#), in the U.S. District Court for the Southern District of New York.

--Editing by Brian Baresch.

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